

REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 7, 9, 12, 14, and 16 have been amended. New dependent claim 17 has been added. Claims 2-14 and 16-17 are pending and under consideration.

I. Rejection under 35 U.S.C. § 103

In the Office Action, at pages 2-4, claims 12-14 were rejected under 35 USC § 103(a) as being unpatentable over Miyashita (U.S. Patent No. 6,731,912) in view of Beutler et al. (U.S. Patent No. 5,933,330).

Miyashita and Beutler et al., alone or in combination, do not discuss or suggest:

wherein said hinge part includes:

a one touch opening part that automatically opens said second housing, relative to said first housing around said rotational center axis in a non-stop motion, from a folded state by a callable angle that enables a user to call without further opening the second housing,

as recited in amended claim 12. In other words, the invention of claim 12 provides a one touch opening part that opens a second housing, around a rotational center axis relative to a first housing, in a non-stop motion from a folded state by a callable angle that enables a user to call without further opening the second housing. The Examiner indicates that Miyashita teaches a one touch opening part that automatically opens the second housing from the first housing around the rotational center of axis in a non-stop motion (Miyashita, Fig. 8; col. 7, lines 22-25). However, this is submitted to be incorrect because the Examiner's interpretation of Miyashita appears to be in error. The Examiner appears to indicate that the movable portion 18 of Miyashita corresponds to a second housing that rotates, from a folded state around a rotational center axis relative to a first housing, into a callable position. However, the movable portion 18 of Miyashita is not in a folded state with respect to the casing 10 (see Fig. 8 of Miyashita). As such, the movable portion 18 of Miyashita does not correspond to the second housing of claim 12, such that a one touch opening part opens a second housing from a folded state around a rotational center axis relative to a first housing.

Furthermore, the Examiner appears to contradict himself by indicating that casing 50 (as illustrated in Figs. 10-11 of Miyashita) also corresponds to the second housing of claim 12. However, Miyashita does not provide for a one touch opening part that opens the second housing 50 from a folded state around a rotational center axis relative to the first housing 52.

Beutler et al. has been cited by the Examiner merely as an example of a damper in a portable phone apparatus and fails to make up for these deficiencies in Miyashita.

Since Miyashita and Beutler et al., alone or in combination, do not discuss or suggest all of the features recited in claim 12, claim 12 patentably distinguishes over Miyashita and Beutler et al. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claim 13 depends directly from claim 12, and includes all the features of claim 12, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claim 13 patentably distinguishes over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Miyashita and Beutler et al., alone or in combination, do not discuss or suggest:

a one touch opening part that automatically opens the second housing, relative to said first housing around said rotational center axis in a non-stop motion, from a folded state by a callable angle that enables a user to call without further opening the second housing,

as recited in amended claim 14, so that claim 14 patentably distinguishes over Miyashita and Beutler et al. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at pages 4-7, claims 2-11 and 16 were rejected under 35 USC § 103(a) as being unpatentable over Miyashita in view of Andrews et al. (6,439,905).

As discussed above, Miyashita do not discuss or suggest:

a hinge part that foldably connects said second housing to said first housing around a rotational center axis, the hinge part including a one touch opening part that automatically opens said second housing, relative to said first housing around said rotational center axis in a non-stop motion, from a folded state by a callable angle that enables a user to call without further opening the second housing, and an auxiliary rotational part that rotates said second housing around an orthogonal shaft orthogonal to the rotational center axis of said hinge part,

as recited in amended claim 7. Andrews et al. has been cited by the Examiner merely as an example of a flexible printed circuit board and fails to make up for these deficiencies in Miyashita.

Since Miyashita and Andrews et al., alone or in combination, do not discuss or suggest all of the features recited in claim 7, claim 7 patentably distinguishes over Miyashita and Andrews et al. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Claims 2-6 and 8-11 depend either directly or indirectly from claim 7, and include all the features of claim 7, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 2-6 and 8-11 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

II. New Claim

New dependent claim 17 has been added. Claim 17 depends directly from claim 16, and includes all the features of claim 16, plus additional features that are not discussed or suggested by the cited prior art. Therefore, claim 16 patentably distinguishes over the cited prior art for at least the reasons noted above. Thus, it is submitted that new claim 17 is in a condition suitable for allowance.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 11-26-07

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